



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,571	12/20/2001	Edward E. Lipscomb	87354.2801	3793

30734 7590 12/01/2004

BAKER + HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON, DC 20036-5304

EXAMINER

TSAI, CAROL S W

ART UNIT	PAPER NUMBER
----------	--------------

2857

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,571

Applicant(s)

LIPSCOMB ET AL.

Examiner

Carol S Tsai

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8-12, and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,530,373 to Gibson et al.

With respect to claims 1, 8, and 15, Gibson et al. disclose a digital multimeter adapter for a portable electronic device, comprising: a module (device under test (DUT) 14 shown on Fig. 1) adapted to interface with a hardware interface port of a portable electronic device (portable, electronic test instrument 10 shown on Fig. 1) having a processor (microprocessor 18 shown on Fig. 2) and a display (display 28 shown on Fig. 2), the module including a computer program memory (waveform memory 26 shown on Fig. 2), the memory storing computer program instructions thereon to direct the processor to perform the steps of: collecting data representative of an electrical signal from an external source (see Figs. 1-3 and col. 5, line 37 to col. 7, line 30); and displaying the data on the display in a digital format representing a characteristic of the signal (see col. 6, lines 34-53 and col. 5, lines 37-40).

Art Unit: 2857

As to claims 2 and 12, Gibson et al. also disclose the characteristic comprising voltage, current, or resistance (see col. 5, lines 37-40).

As to claims 3, 9, 16, and 17, Gibson et al. also disclose a database of model signal values and displaying a model signal value from the database on the display (see Figs. 10 and 11 and col. 11, line 63 to col. 13, line 14).

As to claims 4, 5, 10, 11, 18, and 19, Gibson et al. also disclose a database of collected signal value data and directing the processor to store the data representative of the signal in the database of collected signal value data (see Figs. 2-8).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 7, 13, 14, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson et al. in view of U. S. Patent No. 5,508,607 to Gibson.

As noted above, with respect to claims 6, 13, and 21, Gibson et al. disclose the claimed invention, except for providing an electronic device input that, when activated by a user, allows the user to adjust the characteristic to be displayed on the display/adjusting the characteristic being displayed on a setup screen.

Art Unit: 2857

Gibson teaches providing an electronic device input that, when activated by a user, allows the user to adjust the characteristic to be displayed on the display/adjusting the characteristic being displayed on a setup screen (see col. 8, lines 35-53 and col. 10, lines 49-53).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gibson et al.'s method to include providing an electronic device input that, when activated by a user, allows the user to adjust the characteristic to be displayed on the display/adjusting the characteristic being displayed on a setup screen, as taught by Gibson, in order that a desired frequency of a test stimulus signal can be selected to display (see col. 2, lines 3-4).

As to claims 7, 14, and 20, Gibson et al. do not disclose a language database containing data representative of words in a plurality of languages.

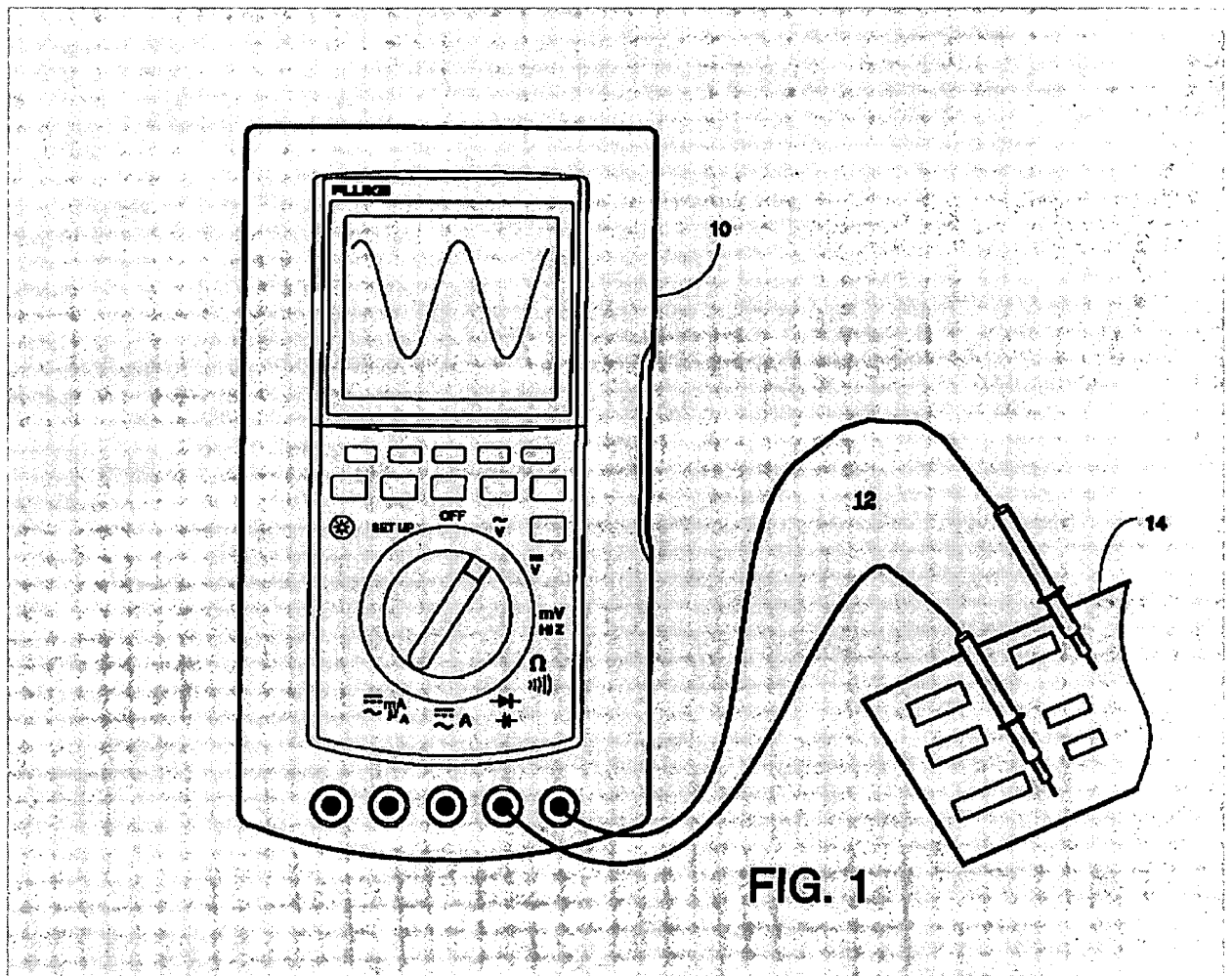
Gibson teaches a language database containing data representative of words in a plurality of languages (see col. 5, lines 21-46).

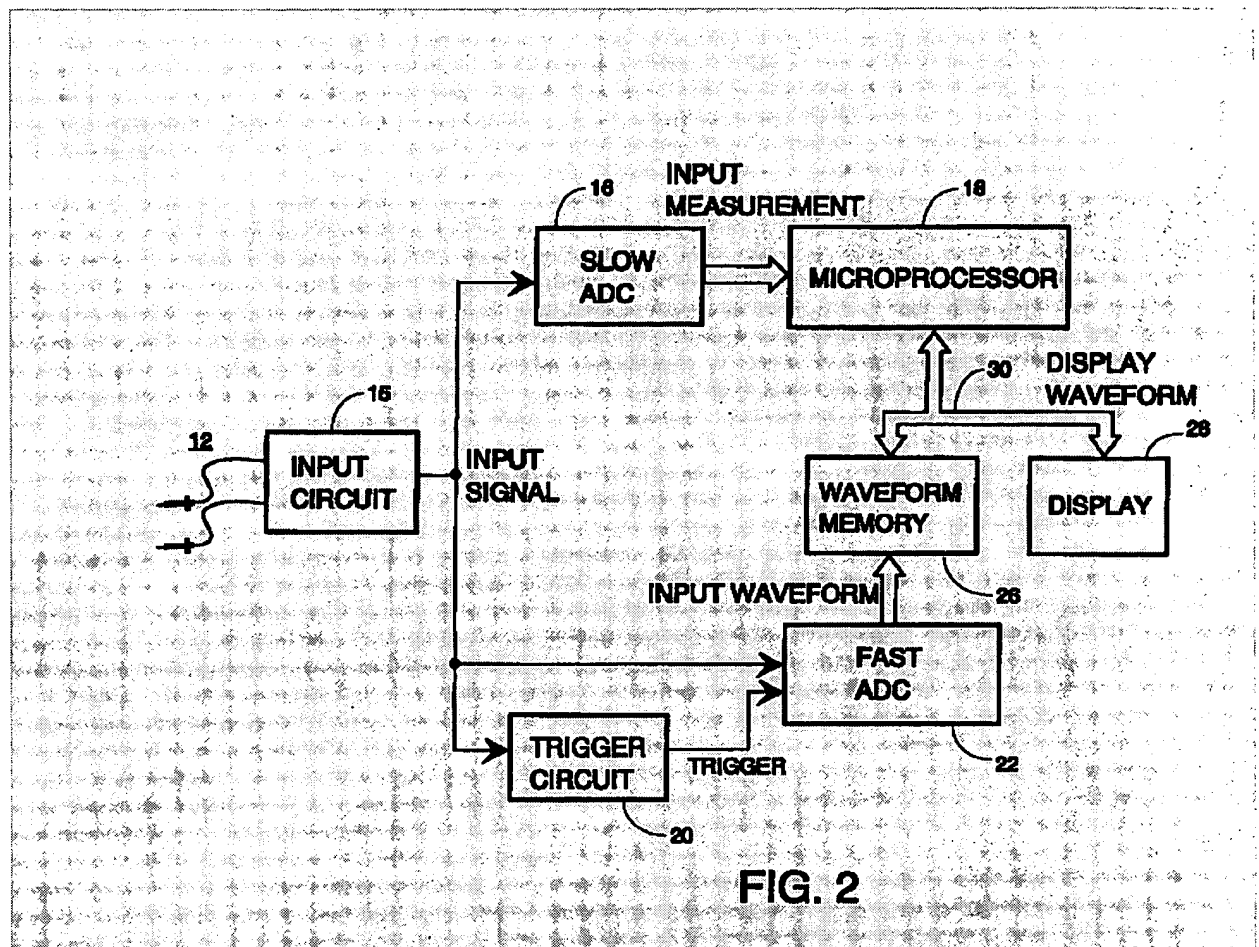
It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gibson et al.'s method to include a language database containing data representative of words in a plurality of languages, as taught by Gibson, in order that text or numeric information such as meter operating mode, scaling, etc. can be displayed above or graphical portion of the display (see col. 5, lines 35-37).

Response to Arguments

6. Applicant's arguments filed September 15, 2004 have been fully considered but they are not persuasive.

Applicants argue that Gibson, et al. merely teaches an electronic test instrument without an additional module adapted to interface with a test instrument to provide additional functionality as recited in the claims of the present invention and that the Examiner states that the DUT 14 is a module; however, upon further review of the Gibson, et al. reference, the device under test (DUT) 14 is utilized as an object for which the electronic test instrument 10 is testing (see column 5, lines 40-46), that the DUT 14 cannot be regarded as a module as recited in claims 1, 8 and 15 of the present invention. The Examiner disagrees with Applicants. The examiner broadly interprets the claimed language differently from Applicant. Since as depicted in Figs 1 and 2, Gibson et al. clearly indicates a module (DUT 14) adapted to interface with hardware interface port of a portable electronic device (portable, electronic test instrument 10 shown on Fig. 1) having a processor (microprocessor 18 shown on Fig. 2) and a display (display 28 shown on Fig. 2), the module including a computer program memory (waveform memory 26 shown on Fig. 2); therefore, Gibson et al. do teach applicants' claimed invention.





Applicants argue that Gibson, et al. is silent with regards to teaching a module including a computer program memory for storing computer programming instructions to further direct the processor of an electronic device to perform additional steps as claimed by the present invention. The Examiner disagrees with Applicants. As set forth above in the art rejection, Gibson et al. do disclose a module including a computer program memory for storing computer programming instructions to further direct the processor of an electronic device to perform additional steps as claimed by the present invention (see Figs. 1-3 and col. 5, line 37 to col. 7, line 30. The INPUT SIGNAL provided by the input circuit 15 is further coupled to a trigger circuit 20 and an input of an analog-to-digital converter (ADC) 22. The trigger circuit 20 generates trigger signals responsive to the voltage behavior of the INPUT SIGNAL and is programmable by the user to optimize the trigger point for a given INPUT SIGNAL. An output of the trigger circuit 20 is coupled to a trigger input of the ADC 22. ADC 22 converts voltage samples of the INPUT SIGNAL into a series of digital measurement values which comprise a waveform scan which together comprise an INPUT WAVEFORM; Each INPUT MEASUREMENT represents a single measurement in the preferred embodiment. An output of the ADC 16 is coupled to a microprocessor 18 which accepts the INPUT MEASUREMENT data and processes the data according to an instrument program to provide stability decisions).

Applicants argue that Claims 6-7 depend ultimately from independent claim 1, Claims 13-14 depend ultimately from independent claim 8, and Claim 20 depends from independent claim 15, that Gibson does not cure the deficiencies of Gibson, et al, because it, too, fails to teach a module adapter to interface with a hardware interface port of a portable electronic device including a computer programmed memory which stores computer program instructions to direct

Art Unit: 2857

the processor of the electronic device to perform additional steps as recited in claim 1 and similarly in claims 8 and 15 of the present invention and that Applicants argue that in accordance with the M.P.E.P. §2143.03, to establish prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art and that all words in a claim must be considered in judging the patentability of that claim against the prior art; therefore, since the prior art lacks all the claimed features, Gibson, et al., alone or in combination with Gibson, cannot be said to teach or suggest the present invention as claimed. The Examiner disagrees with Applicants. As set forth above in the art rejection, Gibson et al. disclose the claimed invention except for providing an electronic device input that, when activated by a user, allows the user to adjust the characteristic to be displayed on the display/adjusting the characteristic being displayed on a setup screen. Gibson teach providing an electronic device input that, when activated by a user, allows the user to adjust the characteristic to be displayed on the display/adjusting the characteristic being displayed on a setup screen (see col. 8, lines 35-53 and col. 10, lines 49-53), in order that a desired frequency of a test stimulus signal can be selected to display (see col. 2, lines 3-4). Therefore, the combination of Gibson et al. and Gibson clearly disclose the claimed invention. As set forth above in the art rejection, Gibson et al. disclose the claimed invention except for a language database containing data representative of words in a plurality of languages. Gibson teaches a language database containing data representative of words in a plurality of languages (see col. 5, lines 21-46), in order that text or numeric information such as meter operating mode, scaling, etc. can be displayed above or graphical portion of the display (see col. 5, lines 35-37). Therefore, the combination of Gibson et al. and Gibson clearly disclose the claimed invention.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. W. Tsai whose telephone number is (571) 272-2224. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax number for TC 2800 is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (571) 272-1585 or (571) 272-2800.

Art Unit: 2857

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.



Carol S. W. Tsai
Patent Examiner
Art Unit 2857

11/29/04